

**REMARKS**

Reconsideration is requested.

The Examiner's comment regarding previous requests for a corrected Filing Receipt on page 2 of the Office Action dated June 23, 2010 is noted.

A Corrected Filing Receipt is requested which accurately reflects the status of the parent application no. 07/920,266 as a 371 U.S. National Phase of International Application No. PCT/EP91/024089 filed December 13, 1991.

The applicants have filed similar requests on July 2, 2004, April 27, 2005, May 9, 2005, February 20, 2007, May 27, 2009<sup>1</sup>. The undersigned has received from the Patent Office a Notice Regarding Benefit/Priority Claim(s) dated September 27, 2004 and a Response to Request for Corrected Filing Receipt dated June 3, 2009 indicating that the prior filed Non-provisional application no. 07/920,266 "has been improperly indicated as a National Stage (35 U.S.C. 371) Application". The latest "Response" states the following:

"The Office's records show that the prior-filed application is an application filed under 35 U.S.C. 111(a). The Office has entered the benefit claim to the prior-filed application as a benefit claim to an application filed under 35 U.S.C. 111(a). Any request for a corrected filing receipt to include the indication that the prior-filed application is a national stage

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<sup>1</sup> The Requests filed July 2, 2004, April 27, 2005 and May 9, 2005 identified international application no. PCT/EP91/024089 as having been filed December 31, 1991, as identified in the original Patent Office Filing Receipt.

International Application no. PCT/EP91/024089 was filed December 13, 1991, as noted in the applicants Preliminary Amendment filed April 13, 2004, the applicants Declaration filed August 18, 2004, the applicants Renewed Request filed February 20, 2007, the applicants Request for Correction of Corrected Filing Receipt filed May 27, 2009, the Supplemental Application Data Sheet filed May 27, 2009, the Notification of Acceptance mailed in application no. 07/920,266 reproduced below, and the attached Missing Requirements Under 35 U.S.C. 371 dated August 28, 1992 mailed in application no. 07/920,266.

The first paragraph of the specification has been corrected above in this regard. No new matter has been added.

application will not be granted unless the applicant supplies evidence that the prior application was in fact a national stage application. Accordingly, applicant should not submit such request without such evidence. Applicant should submit an amendment (or an applicants data sheet (ADS) if the benefit claim was submitted in an ADS) to delete the indication that the prior-filed application is a national stage application.”

The “evidence” described in the “Response” dated June 3, 2009 and quoted above was supplied however in at least the applicants Request of February 20, 2007 and Response of April 27, 2005. Specifically, the applicants previously supplied a copy of the Notice of Acceptance dated January 6, 1993 from Application No. 07/920,286 confirming that the application no. 07/920,286 is a U.S. national phase of PCT/EP91/02409. See page 5 of the Renewed Request filed February 20, 2007 and page 5 of the applicants Request for Correction of Filing Receipt filed by facsimile on April 27, 2005. The following is a further reproduction of the Notification of Acceptance confirming the Patent Office treatment of application no. 07/920,286 as a U.S. national phase of PCT/EP91/02409:

DeLeys et al  
Appl. No. 10/822,871  
Attny. Ref.: 2551-141  
Amendment  
September 23, 2010

NIXON & VANDERHUYE PC3 Fax: 703-816-4100

Apr 27 2005 14:01

P.05

**COPY**

WILLIAM W. BECKETT BANNER, BIRCH, MC KIE & BECKETT 1001 G STREET, N.W., ELEVENTH FLOOR WASHINGTON, D.C. 20001-4597		UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.494 OR 1.495	
JAN 08 1993		Date of Mailing <b>6 JAN 1993</b>	
FILE REFERENCE 137.040502			
IDENTIFICATION OF THE INTERNATIONAL APPLICATION			
International application Number <b>PCT/EP91/02409</b>	International filing date <b>13 DEC 1991</b>	Priority date claimed <b>14 DEC 1990</b>	
Applicant for DO/EO/US <b>DELEYS, ROBERT J. POLLET, DIRK MAERTENS, GEERT AND VAN HELVERSEN IN</b>			
NOTIFICATION			
The applicant is hereby advised that the United States Patent and Trademark Office in its capacity as a <input checked="" type="checkbox"/> Designated Office, <input type="checkbox"/> Elected Office, has determined that the above identified international application has met the requirements of 35 U.S.C. 371 and 37 CFR <input checked="" type="checkbox"/> 1.494, <input type="checkbox"/> 1.495 and is ACCEPTED for national patentability examination in the United States Patent and Trademark Office.			
The United States Serial Number assigned to the application and the relevant dates are: <b>11/920286</b> <b>14 OCT 1992</b> <b>14 OCT 1992</b>			
U.S. NATIONAL SERIAL NO. 35 U.S.C. 102(e) DATE DATE OF RECEIPT 35 U.S.C. 371 REQUIREMENTS			
<input checked="" type="checkbox"/> A request for immediate examination under 35 U.S.C. 371 (f) was received on <b>14 OCT 1992</b> and the application will be examined in turn.			
<input type="checkbox"/> No request for immediate examination under 35 U.S.C. 371(f) was received. The application will not be processed or examined before the time limit set forth in either <input type="checkbox"/> PCT Article 23 (Chapter I of the PCT), or <input type="checkbox"/> PCT Article 40 (Chapter II of the PCT) whichever is applicable.			
UNITED STATES DESIGNATED/ELECTED OFFICE			
ADDRESS ONLY: COMMISSIONER OF PATENTS AND TRADEMARKS Box PCT, Attn: DO/EO/US Washington, D.C. 20231		AUTHORIZED OFFICER <i>Monica J. Doney</i>	


Form PCT/DO/EO/903 (U.S. Version) (April 1987)

U.S. DEPARTMENT OF COMMERCE - PTO

The applicants Preliminary Amendment of April 13, 2004 identified application no. 07/920,286 as a U.S. national phase of PCT/EP91/02409.

The applicants note that a BIB DATA SHEET contained in the PTO IFW indexed at May 2, 2007 describes application no. 07/920,286 as a 371 U.S. national phase of PCT/EP91/02409, and does not list application no. PCT/EP91/02409 as a “Foreign Applications”. A subsequent BIB DATA SHEET indexed on October 6, 2008 in the PTO IFW fails to make any reference to the patent International Application. A BIB DATA SHEET indexed on May 21, 2009 in the PTO IFW again refers to the parent PCT application as a “FOREIGN APPLICATIONS”.

The present application is based on and claims benefit of U.S. Patent No. 6,872,520. As shown below, the first page of U.S. Patent No. 6,872,520 identifies U.S. application no. 07/920,286 as being filed “as application No. PCT/EP91/02409”.

 US006872520B2																																					
(12) <b>United States Patent</b> DeLeys et al.	(10) Patent No.: <b>US 6,872,520 B2</b> (45) Date of Patent: <b>Mar. 29, 2005</b>																																				
(54) <b>SYNTHETIC ANTIGENS FOR THE DETECTION OF ANTIBODIES TO HEPATITIS C VIRUS</b>																																					
(75) Inventors: <b>Robert J. DeLeys</b> , Three Bridges, NJ (US); <b>Dirk Pollet</b> , Schilde (BE); <b>Geert Muertens</b> , Brugge (BE); <b>Hugo Van Heuverswijn</b> , Laarne (BE)	FOREIGN PATENT DOCUMENTS <table border="0"> <tr><td>EP</td><td>0 318 216</td><td>5/1989</td></tr> <tr><td>EP</td><td>388232</td><td>9/1990</td></tr> <tr><td>EP</td><td>0 442 294</td><td>8/1991</td></tr> <tr><td>EP</td><td>0 445 423</td><td>9/1991</td></tr> <tr><td>EP</td><td>0 445 891</td><td>9/1991</td></tr> <tr><td>EP</td><td>0 450 931</td><td>10/1991</td></tr> <tr><td>EP</td><td>0 451 891</td><td>10/1991</td></tr> <tr><td>EP</td><td>0 468 527</td><td>1/1992</td></tr> <tr><td>EP</td><td>0 471 356</td><td>2/1992</td></tr> <tr><td>EP</td><td>0 484 787</td><td>5/1992</td></tr> <tr><td>WO</td><td>89/04669</td><td>6/1989</td></tr> <tr><td>WO</td><td>92/01714</td><td>2/1992</td></tr> </table>	EP	0 318 216	5/1989	EP	388232	9/1990	EP	0 442 294	8/1991	EP	0 445 423	9/1991	EP	0 445 891	9/1991	EP	0 450 931	10/1991	EP	0 451 891	10/1991	EP	0 468 527	1/1992	EP	0 471 356	2/1992	EP	0 484 787	5/1992	WO	89/04669	6/1989	WO	92/01714	2/1992
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EP	0 484 787	5/1992																																			
WO	89/04669	6/1989																																			
WO	92/01714	2/1992																																			
(73) Assignee: <b>Innogenetics N.V.</b> , Ghent (BE)																																					
(*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 158 days.																																					
(21) Appl. No.: <b>10/044,995</b>	OTHER PUBLICATIONS Choo, Q.L., et al, <i>Science</i> 244 : 359-362 (1989) "Isolation of a cDNA Clone Derived from a Blood-Borne Non-A, Non-B Viral Hepatitis Genome". Kuo, G., et al, <i>Science</i> , 244 : 362-364 (1989) "An Assay for Circulating Antibodies to a Major Etiologic Virus of Human Non-A, Non-B Hepatitis". Okamoto, H., et al, <i>Japan J. Exp. Med.</i> , 60:3 167-177 (1990) "The 5'-Terminal Sequence of the Hepatitis C Virus Genome". Okamoto, H., et al, <i>Japan J. Exp. Med.</i> , 60:4 223-233 (1990) "Enzyme-Linked Immunosorbent Assay for Antibodies against the Capsid Protein of Hepatitis C Virus with a Synthetic Oligopeptide". Viancks, R., <i>Eur. J. Clin. Microbiol. Infec. Dis.</i> , 9(9), "Evaluation of a line immunoassay . . .", 674-676. Shimouishi Y., Ed. <i>Peptide Chemistry, 1990 "Proceedings of the 26<sup>th</sup> Symposium on Peptide Chemistry"</i> , Osaka, Oct. 25-27, 1990. Manekata et al, "Epitope-Mapping of Hepatitis C																																				
(22) Filed: <b>Jan. 15, 2002</b>																																					
(65) <b>Prior Publication Data</b> US 2003/0049685 A1 Mar. 13, 2003																																					
(62) Division of application No. 09/941,611, filed on Aug. 30, 2001, now Pat. No. 6,576,417, which is a division of application No. 09/275,265, filed on Mar. 23, 1999, now Pat. No. 6,267,761, which is a continuation of application No. 08/391,671, filed on Feb. 21, 1995, now Pat. No. 5,922,532, which is a continuation of application No. 07/920,286, filed as application No. PCT/EP91/02409 on Dec. 31, 1991, now abandoned.																																					
(30) <b>Foreign Application Priority Data</b> Dec. 14, 1990 (EP) ..... 90126241																																					

The present application is based on and claims benefit of U.S. Patent No. 6,576,417 . As shown below, the first page of U.S. Patent No. 6,576,417 identifies U.S. application no. 07/920,286 as being filed "as application No. PCT/EP91/02409".

(12) <b>United States Patent</b>		(10) <b>Patent No.:</b>	<b>US 6,576,417 B2</b>
<b>Deleys et al.</b>		(45) <b>Date of Patent:</b>	<b>Jun. 10, 2003</b>
<hr/>			
(54) <b>SYNTHETIC ANTIGENS FOR THE DETECTION OF ANTIBODIES TO HEPATITIS C VIRUS</b>	FOREIGN PATENT DOCUMENTS		
(75) Inventors: <b>Robert J. Deleys</b> , Three Bridges, NJ (US); <b>Dirk Pollet</b> , Schilde (BE); <b>Geert Maertens</b> , Brugge (BE); <b>Hugo Van Heuverswijn</b> , Laarne (BE)	EP	0 318 216	5/1989
	EP	388232	9/1990
	EP	0 442 394	8/1991
	EP	0 443 423	9/1991
	EP	0 448 801	9/1991
	EP	0 450 931	10/1991
	EP	0 451 891	10/1991
	EP	0 468 827	1/1992
(73) Assignee: <b>Innogenetics, N.V.</b> , Ghent (BE)	EP	0 471 356	2/1992
	EP	0 484 787	5/1992
(*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 0 days.	WO	WO 89/04669	6/1989
	WO	WO 92/01714	2/1992
OTHER PUBLICATIONS			
(21) Appl. No.: <b>09/941,611</b>	Choo, Q.L., et al, <i>Science</i> 244 : 359-362 (1989) "Isolation of a cDNA Clone Derived from a Blood-Borne Non-A, Non-B Viral Hepatitis Genome".		
(22) Filed: <b>Aug. 30, 2001</b>	Kuo, G., et al, <i>Science</i> , 244 : 362-364 (1989) "An Assay for Circulating Antibodies to a Major Etiologic Virus of Human Non-A, Non-B Hepatitis".		
(65) <b>Prior Publication Data</b>	Okamoto, H., et al, <i>Japan J. Exp. Med.</i> , 60:3 167-177 (1990) "The 5'-Terminal Sequence of the Hepatitis C Virus Genome".		
US 2002/0106640 A1 Aug. 8, 2002	Okamoto, H., et al, <i>Japan J. Exp. Med.</i> , 60:4 223-233 (1990) "Enzyme-Linked Immunosorbent Assay for Antibodies against the Capsid Protein of Hepatitis C Virus with a Synthetic Oligopeptide".		
<b>Related U.S. Application Data</b>	Viancks, R., <i>Eur. J. Clin. Microbiol. Infect. Dis.</i> , 9(9), 1990, "Evaluation of a line immunoassay . . .", 674-676.		
(62) Division of application No. 09/275,265, filed on Mar. 23, 1999, now Pat. No. 6,287,761, which is a continuation of application No. 08/391,671, filed on Feb. 21, 1995, now Pat. No. 5,922,532, which is a continuation of application No. 07/920,286, filed as application No. PCT/EP91/02409 on Dec. 31, 2001, now abandoned.	Shimonishi Y., Ed. <i>Peptide Chemistry</i> , 1990 "Proceedings of the 26 <sup>th</sup> Symposium on Peptide Chemistry", Osaka, Oct. 25-29, 1989.		
(30) <b>Foreign Application Priority Data</b>			
Dec. 14, 1990 (EP) .....	90124241		

The present application is based on and claims benefit of U.S. Patent No. 6,287,761. As shown below, the first page of U.S. Patent No. 6,287,761 identifies U.S. application no. 07/920,286 as being filed "as application No. PCT/EP91/02409".

		US006287761B1	
(12) <b>United States Patent</b>		(10) <b>Patent No.:</b>	<b>US 6,287,761 B1</b>
<b>Deleys et al.</b>		(45) <b>Date of Patent:</b>	<b>*Sep. 11, 2001</b>
<hr/>			
(54)	<b>SYNTHETIC ANTIGENS FOR THE DETECTION OF ANTIBODIES TO HEPATITIS C VIRUS</b>	0 445 801	9/1991 (EP) .
		0 450 931	10/1991 (EP) .
		0 451 891	10/1991 (EP) .
		0 468 527	1/1992 (EP) .
		0 471 356	2/1992 (EP) .
(75)	Inventors: <b>Robert J. Deleys</b> , Three Bridges, NJ (US); <b>Dirk Pollet</b> , Schilde (BE); <b>Geert Maertens</b> , Bruges (BE); <b>Hugo Van Heuverswijn</b> , Laarne (BE)	0 484 787	5/1992 (EP) .
		WO 89/04669	6/1989 (WO) .
		WO 92/01714	2/1992 (WO) .
		<b>OTHER PUBLICATIONS</b>	
(73)	Assignee: <b>Innogenetics N.V.</b> , Ghent (BE)	Viancks, R., <i>Eur. J. Clin. Microbiol. Infect. Dis.</i> , 9(9), 1990 "Evaluation of a line immunoassay for the differential detection of antibodies of human immunodeficiency virus", 674-676.	
(*)	Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 0 days.	Shimonishi Y., Ed. <i>Peptide Chemistry</i> , 1990 "Proceedings of the 26th Symposium on Peptide Chemistry", Osaka, Oct. 25-27, 1990.	
	This patent is subject to a terminal disclaimer.	Munekata et al., "Epitope-Mapping of Hepatitis C Virus Constituting Protein" pp. 211-214, <i>Protein Research Foundation</i> , Osaka, 1991.	
(21)	Appl. No.: <b>09/275,265</b>	Choo, Q.L., et al, <i>Science</i> 244 : 359-362 (1989) "Isolation of a cDNA Clone Derived from a Blood-Borne Non-A, Non-B Viral Hepatitis Genome".	
(22)	Filed: <b>Mar. 23, 1999</b>	Kuo, G., et al, <i>Science</i> , 244 : 362-364 (1989) "An Assay for Circulating Antibodies to a Major Etiologic Virus of Human Non-A, Non-B Hepatitis".	
<b>Related U.S. Application Data</b>		Okamoto, H., et al, <i>Japan J. Exp. Med.</i> , 60:3 167-177 (1990) "The 5'-Terminal Sequence of the Hepatitis C Virus Genome".	
(62)	Continuation of application No. 08/391,671, filed on Feb. 21, 1995, now Pat. No. 5,922,532, which is a continuation of application No. 07/920,286, filed as application No. PCT/EP91/02409 on Dec. 31, 1991, now abandoned.	Okamoto, H., et al, <i>Japan J. Exp. Med.</i> , 60:4 223-233 (1990) "Enzyme-Linked immunosorbent Assay for Antibodies against the Capsid Protein of Hepatitis C Virus with	
(30)	<b>Foreign Application Priority Data</b>		
	Dec. 14, 1990 (EP) ..... 90124241		
(51)	Int. Cl. <sup>7</sup> ..... <b>G01N 33/576</b>		
(52)	U.S. Cl. .... <b>435/5; 436/518; 436/820;</b>		

The present application is based on and claims benefit of U.S. Patent No. 5,922,532. As shown below, the first page of U.S. Patent No. 5,922,532 identifies U.S. application no. 07/920,286 as being filed "as application No. PCT/EP91/02409".

DeLeys et al  
 Appl. No. 10/822,871  
 Attny. Ref.: 2551-141  
 Amendment  
 September 23, 2010

SYNTHETIC ANTIGENS FOR THE DETECTION OF ANTIBODIES TO HEPATITIS C VIRUS US005922532A			
<b>United States Patent</b> [19]		[11] <b>Patent Number:</b>	<b>5,922,532</b>
<b>Deleys et al.</b>		[45] <b>Date of Patent:</b>	<b>Jul. 13, 1999</b>
[54]	<b>SYNTHETIC ANTIGENS FOR THE DETECTION OF ANTIBODIES TO HEPATITIS C VIRUS</b>		
	0 468 527	1/1992	European Pat. Off. .
	0 471 356	2/1992	European Pat. Off. .
	0 484 787	5/1992	European Pat. Off. .
	WO 89/04669	6/1989	WIPO .
	WO 92/01714	2/1992	WIPO .
[75]	<b>Inventors: Robert J. Deleys, Grimbergen; Dirk Pollet, Wijnegem; Geert Maertens, Brugge; Hugo Van Heuverswijn, Laarne, all of Belgium</b>		
[73]	<b>Assignee: Imogenetics, N.V., Ghent, Belgium</b>		
[21]	<b>Appl. No.: 08/391,671</b>		
[22]	<b>Filed: Feb. 21, 1995</b>		
	<b>Related U.S. Application Data</b>		
[63]	Continuation of application No. 07/920,286, filed as application No. PCT/EP91/02409, Dec. 13, 1991, abandoned.		
[30]	<b>Foreign Application Priority Data</b>		
	Dec. 14, 1990	[EP]	European Pat. Off. ... 90124241
	<b>OTHER PUBLICATIONS</b>		
	Vrancks, R., Evaluation of a line Immunoassay for the differential detection of antibodies to human immunodeficiency virus. <i>Eur. J. Clin. Microbiol. Infect. Dis.</i> 9(9), 1990.		
	Shimonishi, Y., Ed., <i>Peptide Chemistry 1990, Proceedings of the 28th Symposium on Peptide Chemistry</i> , Osaka, Oct. 25-27, 1990. Mueckata et al., "Epitope-Mapping of Hepatitis C Virus Constituting Protein," pp. 211-214, Protein Research Foundation, Osaka, 1991.		
	Choo, Q.L., et al, <i>Science</i> 244:359-362 (1989) "Isolation of a cDNA Clone Derived from a Blood-Borne Non-A, Non-B Viral Hepatitis Genome".		
	Kuo, G., et al, <i>SCIENCE</i> , 244:362-364 (1989) "An Assay for Circulating Antibodies to a Major Etiologic Virus of Human Non-A, Non-B Hepatitis".		
	Chomata, H., et al, <i>Lancet, I, Ess. Med.</i> 60:2, 167-177.		

A copy of the history of application no. 07/920,286 obtained from the Patent Office is attached as an "NPL" document. The following evidence that application no. 07/920,286 is a 371 U.S. National Phase of PCT/EP91/02489 is contained in the attached file history and reproduced below:

The file jacket indicating along the top "FILED UNDER 35 USC 371"



DeLeys et al  
Appl. No. 10/822,871  
Attny. Ref.: 2551-141  
Amendment  
September 23, 2010

SERIAL NUMBER		FILING DATE	CLASS	SUBCLASS	GROUP ART UNIT	EXAMINER
07/820,286		10/14/92	520 435	5	1836 1836	W. T. ...
ROBERT J. DELEYS, GRIMBERGEN, BELGIUM; DANK POLLET, GRIMBERGEN, BELGIUM; GERT MEYERENS, BRUSSELS, BELGIUM; HUGO VAN NEUMANN, LARNE, BELGIUM						
**CONTINUING DATA** VERIFIED <i>Deu</i>						
**FOREIGN/PCT APPLICATIONS** VERIFIED <i>Deu</i> PCT EPO PCT/EP91/02409 90124241.2 12/13/91 12/14/90						
***** SMALL PRINT *****						
Foreign priority claimed 35 USC 119 conditions met		<input checked="" type="checkbox"/> yes <input type="checkbox"/> no <i>yes</i>	AS FILED	STATE OR COUNTRY BEL	SHEETS DRWGS. 8	TOTAL CLAIMS 25
Verified and Acknowledged		Examiner's Initials <i>Deu</i>			INDEP. CLAIMS 19	FILING FEE RECEIVED \$1,561.00
						ATTORNEY'S DOCKET NO. 2137,64652
EDWARD J. MCKIE BANNER, ELKH, MCKIE & BECKETT 1801 G ST., N.W. - FIFTH FLOOR WASHINGTON, DC 20001-4597						
SYNTHETIC ANTIGENS FOR THE DETECTION OF ANTIBODIES TO HEPATITIS C VIRUS						
U.S. DEPT. of COMM. Pat. & TM Office - PTO-436L (rev. 10-78)						
PARTS OF APPLICATION FILED SEPARATELY						
NOTICE OF ALLOWANCE MAILED		PREPARED FOR ISSUE			CLAIMS ALLOWED	
		Assistant Examiner			Total Claims	Print Claim
		Docket Clerk				
ISSUE FEE					DRAWING	
Amount Due	Date Paid				Sheets Drwg.	Figs. Drwg.
		Primary Examiner			Print Fig.	
		ISSUE CLASSIFICATION			ISSUE BATCH NUMBER	
		Class	Subclass			
Label Area		WARNING: The information disclosed herein may be restricted. Unauthorized disclosure may be prohibited by the United States Code Title 35, Sections 122, 181 and 368. Possession outside the U.S. Patent & Trademark Office is restricted to authorized employees and contractors only.				

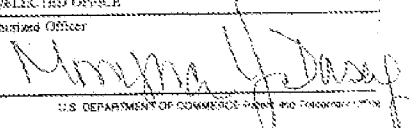
PTO 436  
9/90

DeLeys et al  
Appl. No. 10/822,871  
Attny. Ref.: 2551-141  
Amendment  
September 23, 2010

The Notice of Missing Requirements dated August 28, 1992 which set a due date for filing the inventors' Declaration by October 14, 1992 (i.e., 22 months from the earliest claimed priority date):

DeLeys et al  
Appl. No. 10/822,871  
Attny. Ref.: 2551-141  
Amendment  
September 23, 2010

47/920286

William W. Beckett BARNER, BIRCH, McKIS & BECKETT 1001 G Street, N.W., Eleventh floor Washington, D.C. 20001-4597		UNITED STATES DESIGNATED/ELECTED OFFICE (DOE/EO/US) MISSING REQUIREMENTS UNDER 35 U.S.C. 371 AND 37 CFR 1.494 OR 1.495	
Date of Mailing 28 AUG 1992		Applicant's or Agent's Reference 137,040,502	
IDENTIFICATION OF THE INTERNATIONAL APPLICATION			
IA Number PCT/EP91/02409	IFO 13 DECEMBER 1991	Priority Date Claim 14 DECEMBER 1990 (14.12.90)	
Applicant for DOE/US DELEYS, Robert J. et al.			
NOTIFICATION			
<p>The following items required to enter the United States Patent and Trademark Office as a <input checked="" type="checkbox"/> Designated <input type="checkbox"/> Elected Office by <input checked="" type="checkbox"/> 20 months <input type="checkbox"/> 30 months from the earliest claimed priority date have been received:</p> <p>From the International Bureau:</p> <ul style="list-style-type: none"><li><input checked="" type="checkbox"/> Copy of application in the language of filing, i.e. <u>English</u></li><li><input type="checkbox"/> English, as published when filed in a non-publication language.</li><li><input type="checkbox"/> filing and publication, i.e.</li><li><input type="checkbox"/> Copy of Article 19 amendments in the language of publication.</li><li><input type="checkbox"/> International Preliminary Examination Report in English and its Annexes, if any, in language in which filed.</li></ul> <p>From applicant:</p> <ul style="list-style-type: none"><li><input checked="" type="checkbox"/> U.S. National Fee.</li><li><input checked="" type="checkbox"/> Oath or declaration of applicant(s) for DOE/EO/US.</li><li><input checked="" type="checkbox"/> Translation of application into English.</li><li><input checked="" type="checkbox"/> Translation of Article 19 amendments into English.</li><li><input checked="" type="checkbox"/> Translation of Annexes, if any, to International Preliminary Examination Report into English.</li><li><input checked="" type="checkbox"/> Copy of Article 19 amendments, if not transmitted by the International Bureau, in the language of publication.</li></ul> <p>The following items must be received by <input checked="" type="checkbox"/> 22 <input type="checkbox"/> 32 months from any claimed priority date for the application to be accepted for examination:</p> <ul style="list-style-type: none"><li><input type="checkbox"/> Translation of application into English</li><li><input type="checkbox"/> Processing fee for providing the translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from any claimed priority date (37 CFR 1.492 (f)); \$20.00.</li><li><input type="checkbox"/> U.S. National Fee:</li><li><input type="checkbox"/> International preliminary examination fee paid to USPTO (37 CFR 1.482) - \$330 (Small Entity \$165)</li><li><input type="checkbox"/> No international preliminary examination fee paid to USPTO (37 CFR 1.492) but international search fee paid to USPTO (37 CFR 1.445) (a) (2); \$ 370 (Small Entity \$185)</li><li><input type="checkbox"/> No international preliminary examination fee (37 CFR 1.482) and no international search fee (37 CFR 1.445) (a) (2); paid to USPTO-\$500 (Small Entity \$250)</li><li><input type="checkbox"/> International preliminary examination fee paid to USPTO (37 CFR 1.462) and all claims satisfied provisions of PCT Article 33(1) to (4) - \$50 (Small Entity \$25)</li><li><input checked="" type="checkbox"/> Oath or declaration of the applicant(s) for DOE/EO/US</li><li><input checked="" type="checkbox"/> Surcharge for providing the fee and/or oath or declaration later than <input checked="" type="checkbox"/> 20 <input type="checkbox"/> 30 months from any claimed priority date (37 CFR 1.492(e)); \$120 (Small Entity \$60)</li></ul> <p>ALL REQUIREMENTS UNDER 35 U.S.C. 371 AND 37 CFR 1.494 <input checked="" type="checkbox"/> 1.495, INCLUDING ANY NECESSARY SURCHARGE AND PROCESSING FEE, MUST BE RECEIVED BY <input checked="" type="checkbox"/> 22 <input type="checkbox"/> 32 MONTHS FROM ANY CLAIMED PRIORITY DATE TO AVOID ABANDONMENT OF THE APPLICATION IN THE UNITED STATES OF AMERICA.</p> <ul style="list-style-type: none"><li><input type="checkbox"/> The Article 19 amendments are cancelled since a translation was not provided by <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from any claimed priority date as required by 37 CFR 1.494 (d) <input type="checkbox"/> 1.495 (d).</li></ul>			
UNITED STATES DESIGNATED/ELECTED OFFICE			
Address Only: Commissioners of Patents and Trademarks 350 PCT Washington, D.C. 20231		Authorizing Officer 	
FORM PCT/EO/US 608 (February 1990)		U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office	

The applicants Transmittal Letter submitting the Declaration on October 14, 1992, as acknowledged by the PCT/PTO date stamp:

DeLeys et al  
Appl. No. 10/822,871  
Attny. Ref.: 2551-141  
Amendment  
September 23, 2010

U.S. DEPARTMENT OF COMMERCE PATENT M		U.S. PATENT & TRADEMARK OFFICE HCR	ATTORNEY'S DOCKET NUMBER #4		
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EQ/US)		37.040502			
INTERNATIONAL APPLICATION NO. PCT/EP91/02409	INTERNATIONAL FILING DATE 13 December 1991 (13.12.91)	PRIORITY DATE CLAIMED 14 December 1990 (14.12.90)			
TITLE OF INVENTION SYMMETRIC ANTIGENS FOR THE DETECTION OF ANTIBODIES TO HEPATITIS C VIRUS					
APPLICANT(S) FOR DO/EQ/US DELAYS, Robert J.; POLAET, Dirk; MARSHENS, Gert; and VAN HELMERSWIJCK, Hugo					
Applicant herewith submits to the United States Designated/Elected Office (DO/EQ/US) the following items under 35 U.S.C. 371:					
1. <input type="checkbox"/> This express request to immediately begin national examination procedures (35 U.S.C. 371(c)).					
2. <input checked="" type="checkbox"/> The U.S. National Fee (35 U.S.C. 371(c)(1)) and other fees as follows:					
CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
TOTAL CLAIMS		20		x \$12.00	\$
INDEPENDENT CLAIMS		3		x \$36.00	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)				+ \$120.00	
BASIC NATIONAL FEE (37 CFR 1.492(a)(1)-(4)):					
<input type="checkbox"/> International preliminary examination fee paid to USPTO (37 CFR 1.482) \$300					
<input type="checkbox"/> No international preliminary examination fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO (37 CFR 1.445(a)(2)) \$370					
<input type="checkbox"/> Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$500					
<input type="checkbox"/> International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(2) to (4) \$50					
Surcharge of \$120, for furnishing the National fee or oath or declaration later than 30 mos. from the earliest claimed priority date (37 CFR 1.492(e)). \$ 120.00					
TOTAL OF ABOVE CALCULATIONS					x 130.00
Reduction by 1/2 for filing by small entity, if applicable. Affidavit must be filed also. (Note 37 CFR 1.9, 1.27, 1.28.)					\$ 65.00
SUBTOTAL					+ 65.00
Processing fee of \$30, for furnishing the English Translation later than 30 mos. from the earliest claimed priority date (37 CFR 1.492(f)).					
TOTAL NATIONAL FEE					\$ 65.00
Fee for recording the enclosed assignment (37 CFR 1.21(h)).					+ 40.00
TOTAL FEES ENCLOSED					\$ 205.00
a. <input checked="" type="checkbox"/> A check in the amount of \$ 205.00 to cover the above fees is enclosed.					
b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.					
c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 15-0733. A duplicate copy of this sheet is enclosed.					

39 Rec'd PCT/PTO 14 OCT 02

5940 10/6/02

920,286

<p>3. A copy of the International Application as filed (35 U.S.C. 371(c)(2)).</p> <p>a. <input type="checkbox"/> is transmitted herewith (required only if not transmitted by the International Bureau).</p> <p>b. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</p> <p>c. <input type="checkbox"/> has been transmitted by the International Bureau.</p> <p>4. <input type="checkbox"/> A translation of the International Application into English (35 U.S.C. 371(c)(2)).</p> <p>5. Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>a. <input type="checkbox"/> are transmitted herewith (required only if not transmitted by the International Bureau).</p> <p>b. <input type="checkbox"/> have been transmitted by the International Bureau.</p> <p>6. <input type="checkbox"/> A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>7. <input type="checkbox"/> An oath or declaration of the inventor (35 U.S.C. 371(c)(4)).</p> <p>8. <input type="checkbox"/> A translation of the Annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</p> <p>Other document(s) or information included:</p> <p>9. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</p> <p>10. <input checked="" type="checkbox"/> An assignment document for recording.</p> <p>Please mail the recorded assignment document to:</p> <p>a. <input checked="" type="checkbox"/> the person whose signature, name &amp; address appears at the bottom of this page.</p> <p>b. <input type="checkbox"/> the following:</p> <p>14. <del>xxx</del> Also submitted is a Verified Statement (Declaration) Claiming Small Entity Status.</p> <p>11. The above checked items are being transmitted</p> <p>a. <input type="checkbox"/> before the 18th month publication.</p> <p>b. <input type="checkbox"/> after publication and the Article 20 communication but before 20 months from the priority date.</p> <p>c. <input checked="" type="checkbox"/> after 20 months but before 22 months (surcharge and/or processing fee included).</p> <p>d. <input type="checkbox"/> after 22 months (surcharge and/or processing fee included).</p> <p>Note: Petition to revive (37 CFR 1.137(a) or (b)) is necessary if 35 U.S.C. 371 requirements submitted after 22 months and no proper demand for International Preliminary Examination was made by 18 months from the earliest claimed priority date.</p> <p>e. <input type="checkbox"/> by 30 months and a proper demand for International Preliminary Examination was made by the 18th month from the earliest claimed priority date.</p> <p>f. <input type="checkbox"/> after 30 months but before 32 months and a proper demand for International Preliminary Examination was made by the 18th month from the earliest claimed priority date (surcharge and/or processing fee included).</p> <p>g. <input type="checkbox"/> after 32 months (surcharge and/or processing fee included).</p> <p>Note: Petition to revive (37 CFR 1.137(a) or (b)) is necessary if 35 U.S.C. 371 requirements submitted after 32 months and a proper demand for International Preliminary Examination was made by 18 months from the earliest claimed priority date.</p> <p>12. At the time of transmittal, the time limit for amending claims under Article 19</p> <p>a. <input type="checkbox"/> has expired and no amendments were made.</p> <p>b. <input type="checkbox"/> has not yet expired.</p> <p>13. <del>xxx</del> Certain requirements under 35 U.S.C. 371 were previously submitted by the applicant on August 13, 1992, date, namely: U.S. National Fee in the amount of \$1,546.00.</p>	<p>ATTORNEY'S DOCKET NUMBER C 040502</p>
<p>NAME Edward F. McKie</p> <p>ADDRESS Banner, Birch, McKie &amp; Beckett</p> <p>1901 G Street, N.W., Eleventh Floor</p> <p>Washington, D.C. 20001-4597</p> <p>SIGNATURE <i>Edward F. McKie</i> REGISTRATION NUMBER 17,335</p>	

Form PFD 1090 (Rev. 3-90)

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September 23, 2010

The Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR

1.494 or 1.495 mailed January 6, 1993:

DeLeys et al  
Appl. No. 10/822,871  
Attny. Ref.: 2551-141  
Amendment  
September 23, 2010

WILLIAM W. BECKETT BANNER, BIRCH, MC KIE & BECKETT 1001 G STREET, N.W., ELEVENTH FLOOR WASHINGTON, D.C. 20001-4597		UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.494 OR 1.495	
		Date of Mailing	6 JAN 1993
		File Reference	137,040502
IDENTIFICATION OF THE INTERNATIONAL APPLICATION			
International application Number	International filing date	Priority date claimed	
PCT/EP91/02409	12 DEC 1991	14 DEC 1990	
Applicant for DO/EO/US DELEYS, ROBERT J. POLLET, DIRK MAERTENS, GERT AND VAN HELDERSSEN			
NOTIFICATION			
The applicant is hereby advised that the United States Patent and Trademark Office in its capacity as a <input checked="" type="checkbox"/> Designated Office, <input type="checkbox"/> Elected Office, has determined that the above identified international application has met the requirements of 35 U.S.C. 371 and 37 CFR <input checked="" type="checkbox"/> 1.494, <input type="checkbox"/> 1.495 and is ACCEPTED for national patentability examination in the United States Patent and Trademark Office.			
The United States Serial Number assigned to the application and the relevant dates are: <u>II/920286</u> <u>14 OCT 1992</u> <u>14 OCT 1992</u>			
U.S. NATIONAL SERIAL NO.		35 U.S.C. 102(e) DATE	DATE OF RECEIPT 35 U.S.C. 371 REQUIREMENTS
<input checked="" type="checkbox"/> A request for immediate examination under 35 U.S.C. 371 (f) was received on <u>14 OCT 1992</u> and the application will be examined in turn.			
<input type="checkbox"/> No request for immediate examination under 35 U.S.C. 371(f) was received. The application will not be processed or examined before the time limit set forth in either <input type="checkbox"/> PCT Article 23 (Chapter I of the PCT), or <input type="checkbox"/> PCT Article 40 (Chapter II of the PCT) whichever is applicable.			
UNITED STATES DESIGNATED/ELECTED OFFICE			
ADDRESS ONLY: COMMISSIONER OF PATENTS AND TRADEMARKS Box PCT, Attn. DO/EO/US Washington, D.C. 20231		AUTHORIZED OFFICER <i>Monica J. Doney</i>	

Form PCT/DO/EO/903 (U.S. Version) (April 1987)\*

U.S. DEPARTMENT OF COMMERCE - PTO

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Amendment  
September 23, 2010

The Patent Office "DO/US Worksheet" acknowledging that that applicants have met the requirements of 35 U.S.C. 371 as of October 14, 1992:



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Appl. No. 10/822,871  
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Amendment  
September 23, 2010

DO/US WORKSHEET			
U.S. APPLICATION NO.		APPLICATION NO.	
INTERNATIONAL	PCT/EP/91/2409	PRIORITY DATE	14 DEC 90
INTERNATIONAL FILING DATE	13 DEC 91	FIRST NAMED APPLICANT FOR DO/US	DeLeys, Robert J.
LANGUAGE OF FILED APPLICATION: English		DATE OF RECEIPT OR MAILING: PCT/IB/302	PUBLICATION: PUBL. NO. WO 92/10514
ARTICLE 20 RECEIPTS NORMAL FROM IB <input type="checkbox"/> FROM APPLICANT <input type="checkbox"/>		PCT/IB/304 N/A	PUBL. DATE 25 JUNE 92
REQUEST - NO 101 <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		PCT/IB/310A 10 JULY 92	LANGUAGE ENGLISH
DESCRIPTION <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		PCT/IB/310(PD) - PRIORITY DOC. COPY 26 JUNE 92	GAZETTE ISSUE
CLAIMS <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		PCT/IB/331 - US ELECTED N/A	NOT PUBLISHED: <input type="checkbox"/> U.S. ONLY DO/EO <input checked="" type="checkbox"/> AS OF EP REQUEST
DRAWINGS <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		PCT/IB/409 - IPEA RECEIVED N/A	REQUESTED DOCUMENT FROM IB THAT ARE NOT IN THE FILE: <input type="checkbox"/> YES <input type="checkbox"/> NO
COPY OF SEARCH <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		35 U.S.C. 371 - RECEIPT OF REQUEST 14 OCT 92	DATE REQUESTED
NO DRAWINGS ON FILING <input checked="" type="checkbox"/>		DATE ASSIGNMENT RECEIVED 14 OCT 92	<input type="checkbox"/> PCT GAZETTE PAGE <input type="checkbox"/> SEARCH REPORT <input type="checkbox"/> OTHER
TOTAL NO. OF PRIORITY DOCS. 1		DATE PRELIMINARY AMENDMENT RECEIVED N/A	INFORMALITIES NOTE <input type="checkbox"/> YES <input type="checkbox"/> NO
RECEIPTS FROM APPLICANT UNDER 35 U.S.C. 371		DATE DISCLOSURE STATEMENT RECEIVED N/A	<input type="checkbox"/> OATH / DECLARATION <input type="checkbox"/> OTHER
COMPLETE AT <input type="checkbox"/> 20 MO <input type="checkbox"/> 30 MO.		DATE DO/EO/905 MAILED 28 AUG 92	
NATIONAL FEE <input type="checkbox"/> YES <input type="checkbox"/> NO		DATE 905 RESPONSE RECEIVED 14 OCT 92	
OATH / DECL. <input type="checkbox"/> YES <input type="checkbox"/> NO		DATE DO/EO/903 MAILED - ACCEPTANCE NOTICE 1/6/93	
TRANSLATION OF:		DATE DO/EO/909 MAILED - ABANDONMENT NOTICE N/A	
REQUEST <input type="checkbox"/> YES <input type="checkbox"/> NO		DATE 35 U.S.C. 371 REQUIREMENTS MET 14 OCT 92	
DESCRIPTION <input type="checkbox"/> YES <input type="checkbox"/> NO			
CLAIMS <input type="checkbox"/> YES <input type="checkbox"/> NO			
ABSTRACT <input type="checkbox"/> YES <input type="checkbox"/> NO			
WORDS IN DRAWING <input type="checkbox"/> YES <input type="checkbox"/> NO			
ARTICLE 19 AMDT. <input type="checkbox"/> YES <input type="checkbox"/> NO			
ARTICLE 34 AMDT. <input type="checkbox"/> YES <input type="checkbox"/> NO			
ARTICLE 36(3) AMDT. <input type="checkbox"/> YES <input type="checkbox"/> NO			
COMPLETE AT <input type="checkbox"/> 22 MO <input type="checkbox"/> 32 MO.			
NATIONAL FEE <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO			
OATH / DECL. <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO			
TRANSLATION OF: <input type="checkbox"/> Processing fee			
REQUEST <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO			
DESCRIPTION <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO			
CLAIMS <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO			
ABSTRACT <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO			
WORDS IN DRAWING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO			
ARTICLE 34 AMDT. <input type="checkbox"/> YES <input type="checkbox"/> NO			
ARTICLE 36(3) AMDT. <input type="checkbox"/> YES <input type="checkbox"/> NO			
OTHER RECEIPTS FROM THE APPLICANT AND DATE RECEIVED:			
<input type="checkbox"/> PTOL - 1449 DISCLOSURE DOC.			
<input type="checkbox"/> ASSIGNMENT			
<input type="checkbox"/> NEW CLAIMS FOR PRIORITY			
<input type="checkbox"/> OTHER			

Page 2 of the Office Action dated February 3, 1994 from the Examiner

acknowledging that the application was :filed according to 35 U.S.C. § 371":

Serial No. 920286  
Art Unit 1802

-2-

It is noted that this case has been filed according to 35 U.S.C. § 371.

5 Restriction to one of the following inventions is required:

I. Claims 1-7 and 20-25, drawn to first HCV antigen and method of use, classified in Class 530, subclass 324, and Class 435, subclass 5.

10 II. Claims 8-14 and 20-25, drawn to second HCV antigen and method of use, classified in Class 530, subclass 324, and Class 435, subclass 5.

15 III. Claims 15-19, and 20-25, drawn to third HCV antigen and method of use, classified in Class 530, subclass 324, and Class 435, subclass 5.

20 The inventions are distinct, each from the other because of the following reasons:

The inventions of Group I, II, and III are distinct because the antigens do not share a common technical feature in that each is encoded by a different region of the HCV genome and the antigens do not share any amino acid sequences nor any epitopes.

25 Because these inventions are distinct for the reasons given above and because an undue burden would result if two or more of the groups were to be examined together, restriction for examination purposes as indicated is proper.

30 Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed.

35 A telephone call was made to Cynthia Poulke on January 4, 1994, to request an oral election to the above restriction requirement, but did not result in an election being made.

40 Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 C.F.R. § 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a diligently-filed petition under 37 C.F.R. § 1.48(b) and by the fee required under 37 C.F.R. § 1.17(b).

45 Papers related to this application may be submitted to Group 180 by facsimile transmission. Papers should be faxed to Group 50 180 via the PTO Fax Center located in Crystal Mall 1. The faxing

Page 2 of the Office Action dated August 16, 1994 from the Examiner again acknowledging that the application was being treated as having been filed under 35 U.S.C. § 371:

Serial Number: 07/220286

-2-

Art Unit: 1802

Applicant's election with traverse of Group III. Claims 15-19 and 20-25, in Paper No. 13 is acknowledged. The traverse is on the ground(s) that under 35 U.S.C. § 371, lack of unity requires that groups of claims must be identified which have no general inventive concept linking the claims of the groups with each other and that the originally filed claims all related to peptide sequences which are capable of mimicking proteins encoded by HCV and all can be used as reagents for screening blood for antibodies to HCV. This is not found persuasive because 35 U.S.C. § 371 provides for one product and one method of use; claims drawn to different peptides with different sequences and antigenic characteristic, originating from different viral domains and from different viral proteins, represent distinct products which have no common technical features.

The requirement is still deemed proper and is therefore made FINAL.

Claims 26-52 are pending, original claims 1-23 having been cancelled in Paper No. 14.

The following is a quotation of the first paragraph of 35 U.S.C. § 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The specification is objected to under 35 U.S.C. § 112, first paragraph, as failing to provide an adequate written description of the invention and failing to teach how to make and/or use the invention.

DeLeys et al  
Appl. No. 10/822,871  
Attny. Ref.: 2551-141  
Amendment  
September 23, 2010

The Patent Office is requested to correct their records consistent with the file history of application no. 07/920,286. A Corrected Filing Receipt is requested.

The undersigned is filing concurrently, a Rule 181 Petition directed to the Office of PCT Legal Administration, as suggested by Ms Tamara Graysay during a teleconference with the undersigned on September 23, 2010. Grant of the Petition is requested.

The specification has been revised in the first paragraph. No new matter has been added.

Claims 55, 59, 60, 62, 68-76 and 81-93 are pending. Claims 74-76 have been withdrawn from consideration. Claims 90-93 are not indicated as being withdrawn on pages 1 or 2 of the Office Action dated June 23, 2010. Page 1 of the Office Action states that claims 90-93 are rejected and page 3 of the Office Action states that claims 90-93 are rejected under Section 112, second paragraph. Rejoinder of the withdrawn claims and allowance of all of the claims are requested.

The claims have been amended, without prejudice.

Claim 71 has been amended to obviate the objection to same. Withdrawal of the objection is requested.

The Section 112, second paragraph, rejection of claims 55, 59, 60, 62, 68-76 and 81-93 is obviated by the above amendments. Withdrawal of the rejection is requested.

The claims are submitted to be in condition for allowance and a Notice to that effect is requested. The Examiner is requested to contact the undersigned, preferably by telephone, in the event anything further is required.

DeLeys et al  
Appl. No. 10/822,871  
Attny. Ref.: 2551-141  
Amendment  
September 23, 2010

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By:                     /B. J. Sadoff/                      
                    B. J. Sadoff  
                    Reg. No. 36,663

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Arlington, VA 22203-1808  
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